

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

1 LINCOLN FINANCIAL COMPANY,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

AND RELATED COUNTERCLAIM
AND THIRD-PARTY CLAIMS.

Civil No. 10cv268 L(BLM)

**ORDER GRANTING *EX PARTE*
MOTION TO DEPOSIT LIFE
INSURANCE BENEFITS INTO THE
REGISTRY OF THE COURT; FOR
ATTORNEYS' FEES; AND FOR
DISCHARGE [doc. #50]**

Defendant and counter/third-party plaintiff Metropolitan Life Insurance Company filed an *ex parte* motion to deposit plan benefits into the registry of the court, for attorneys' fees and for discharge. To date, no party has opposed the *ex parte* motion. For the reasons set forth in the *ex parte* motion, the Court finds good cause has been demonstrated. Accordingly, **IT IS**

ORDERED:

1. **GRANTING** defendant and counter/third-party plaintiff Metropolitan Life Insurance Company's *ex parte* motion. The Clerk of the Court is to receive and deposit into the registry of the Court interpleaded funds of life insurance benefits ("Plan Benefits") payable under the Sempra Energy Group Health and Welfare Program (the "Plan") as a result of the death of Darrell Goggins, in the amount of \$80,000, plus applicable interest, if any, and less


1 \$5,000 in attorneys' fees and costs to be retained by Metropolitan Life Insurance Company; and

2 2. **ENJOINING** plaintiff 1 Lincoln Financial Company and third-party defendants
3 Cheyenne C. Rodriguez, individually and in her capacities as a Trustee of a Trust mentioned in
4 the Beneficiary Form in question and as next friend of M. L. Goggins, D. S. Goggins and R. A.
5 Goggins, the minor children of Darrell Goggins, Dana Goggins and Speer & Speer from
6 instituting or prosecuting any action or proceeding in any State or United States Court against
7 Metropolitan Life Insurance Company, Sempra Energy, San Diego Gas & Electric, and the Plan
8 for the recovery or any relief for the Plan Benefits; and

9 3. **DISMISSING WITH PREJUDICE** Metropolitan Life Insurance Company from
10 this action, and **DISCHARGING WITH PREJUDICE** Metropolitan Life Insurance Company,
11 Sempra Energy, San Diego Gas & Electric, and the Plan from any further liability for the Plan
12 Benefits arising under the Plan as a result of the death of Darrell Goggins.

13 **IT IS SO ORDERED.**

14 DATED: June 10, 2010

15 
16 M. James Lorenz
United States District Court Judge

17 COPY TO:

18 HON. BARBARA L. MAJOR
19 UNITED STATES MAGISTRATE JUDGE

20 ALL PARTIES/COUNSEL
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